

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 3273 - SB 3307**

March 1, 2010

**SUMMARY OF BILL:** Creates a new Class C felony for a person to intentionally discharge a firearm into an occupied habitation. Punishable as a Class D felony if the habitation was unoccupied at the time of the offense.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$114,100/Incarceration\***

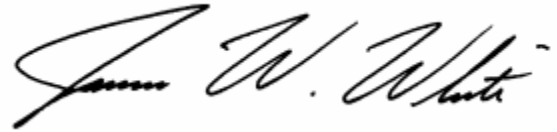
Assumptions:

- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2010 is \$59.86. The average post-conviction time served for a Class C felony is 3.26 years (1,190.72 days) and 1.96 years (715.89 days) for a Class D felony. The cost per offender at 3.26 years is \$71,276.50 and \$42,853.18 at 1.96 years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant increase in incarceration costs due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one additional Class C offender and one additional Class D offender.
- DOC estimates one additional Class C felony and one additional Class D felony as a result of this bill. The total additional operating cost is \$114,129.68 (\$71,276.50 + \$42,853.18).
- Any increase in the caseloads of the state trial courts can be accommodated within existing resources without an increased appropriation.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc